

1944 Supplement
To
Mason's Minnesota Statutes, 1927
and
Mason's 1940 Supplement

Containing the text of the acts of the 1941 and 1943 Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

Edited by
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Apparently stolen property coming into hands of bureau of criminal apprehension and unclaimed should be turned over to sheriff of county where taken, to be disposed of as unidentified stolen property. Op. Atty. Gen. (985), Jan. 15, 1940.

Where garage man purchased oil at such a cheap price that he thought it was stolen and turned it over to the

police, and suspected thief escaped, oil should be returned to garage man after reasonable time and after any possibility of its being needed as evidence is gone. Op. Atty. Gen. (605B-40), Mar. 27, 1942.

Dispositions of stolen property and in hands of sheriff when he is unable to find the owner. Op. Atty. Gen. (605b-40), May 20, 1943.

CHAPTER 55

Hotels and Public Resorts

7321. Equal rights in hotels and other places.—No person shall be excluded, on account of race, color, national origin or religion, from full and equal enjoyment of any accommodation, advantage, or privilege furnished by public conveyances, theaters, or other public places of amusement, or by hotels, barber shops, saloons, restaurants, or other places of refreshments, entertainment, or accommodations. Every per-

son who violates any provision of this section, or aids or incites another to do so, shall be guilty of a gross misdemeanor, and, in addition to the penalty therefor, shall be liable in a civil action to the person aggrieved for damages not exceeding \$500.00. (As amended Act Apr. 23, 1943, c. 579, §1.)

Director of division of hotel inspection has no authority to revoke hotel and restaurant licenses for race discrimination. Op. Atty. Gen. (238f), June 3, 1942.

CHAPTER 56

Auctioneers

7322. Auctioneers' licenses—To whom granted.—The county board or auditor may license any voter in its county, as an auctioneer. Such license shall be issued by the auditor and shall authorize the licensee to conduct the business of an auctioneer in the state of Minnesota for the period of one year. It shall be recorded by the auditor in a book kept for that purpose. Before such license is issued the licensee shall pay into the county treasury a fee of \$10.00. Provided, that any person may be licensed as an auctioneer for the purpose of making sales of pure bred livestock only, upon the payment of the fee and the giving of the bond as above provided. (As amended Apr. 10, 1941, c. 170, §1; Apr. 6, 1943, c. 311, §1.)

An auctioneer residing in and licensed in Wisconsin is permitted to secure a license in Minnesota for purpose of making sales at auction of property other than livestock, but must pay license fee of \$25.00. Op. Atty. Gen., (16c), Oct. 12, 1939.

A firm or company or a family cannot be licensed as an auctioneer. Op. Atty. Gen., (16B), April 10, 1940.

A minor is not a "voter" and cannot be licensed. Id.

A corporation is not a "voter," and is not eligible for a license. Op. Atty. Gen. (16B), Nov. 20, 1940.

Laws 1941, c. 170, amending this section, is not unconstitutional for prohibiting issuing of a license to a non-resident. Op. Atty. Gen. (16b), June 16, 1941.

A resident of Wisconsin cannot be licensed as an auctioneer in Minnesota. Op. Atty. Gen., (16b), July 30, 1941.

Under first or general provision, licensee must be a voter; under second or livestock provision, any person may be licensed to sell pure bred or livestock only; and under third or reciprocal provision, law does not come within purview of provisions of Iowa statute, and word "may" is permissive and county board or auditor has power to exercise sound discretion to grant or refuse to issue license to non-resident. Op. Atty. Gen. (16B), Sept. 26, 1941.

County auditor may not issue an auctioneer's license to a resident of Iowa. Op. Atty. Gen. (16c), Nov. 5, 1943.

7327. Unlicensed sales.—If any person shall sell or attempt to sell, either directly or indirectly, or as the agent of a duly licensed auctioneer, any property at auction without being licensed as an auctioneer, as herein provided, he shall be guilty of a misdemeanor; but the provisions of this Chapter shall not extend to sales made by sheriffs, coroners, constables, collectors of taxes or sales of personal property under chattel mortgage or other lien. (As amended Apr. 5, 1943, c. 297, §1.)

CHAPTER 56A

Hawkers, Peddlers, and Transient Merchants

HAWKERS AND PEDDLERS

7332. Right of municipalities, etc., to regulate.

City ordinance requiring hawkers and peddlers taking orders for future delivery to have a license and pay a tax imposed an unlawful burden upon interstate commerce, as applied to local agent with local business receiving goods from employer in another state. City of Waseca v. B., 206M154, 288NW229. See Dun. Dig. 4146.

A "Green River Ordinance", making it a nuisance for solicitors or peddlers to call at private residences without having been requested or invited so to do, has been held valid by some courts and invalid by others. Op. Atty. Gen., (59a-32), Dec. 22, 1939.

Assuming but not deciding that Green River ordinances are valid, it is a violation for a solicitor to first make a call upon home owner for purpose of obtaining an invita-

tion to later return and solicit an order for goods. Op. Atty. Gen., (62B), April 30, 1940.

TRANSIENT MERCHANTS

7340. Transient merchant defined.

Necessity for obtaining license by local jeweler leasing an additional building to auction off merchandise which he has shipped in from other cities where he has maintained similar stores depends upon whether business to be conducted in leased building is of a transient or temporary nature, or a part of his regular business. Op. Atty. Gen. (16B), Feb. 17, 1940.

7343. Right of municipalities, etc., to regulate.

City of Mankato may license transient merchants as defined by state law. Op. Atty. Gen. (290p), May 19, 1942.